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April 29, 2024

VIA ECF and email to CronanNYSDChambers@nysd.uscourts.gov

Honorable Natasha C. Merle
United States District Court
225 Cadman Plaza East
Brooklyn, NY 11201

**RE: Barrett v. The Department of Education of the City of New York
24-cv-00574 (NCM) (RML)**

Dear Judge Merle:

Plaintiff is writing this letter *on consent* to allow Plaintiff to amend the complaint in lieu of responding to Defendant's Pre-Motion letter for a conference in anticipation of making a Motion to Dismiss. Pursuant to Local Rule Civil Rule 26.4 and FRCP 37(a)(1), the parties have conferred in good faith. Defendant's counsel has *consented* to allow the complaint to be amended within 20 days and that Defendant have 20 days to respond to Plaintiff's Amended Complaint

Federal Rule 15a provides that Plaintiff has right to amend the complaint prior to a responsive pleading being served. Since no responsive pleading has been served, it is respectfully submitted that Plaintiff should be allowed to amend as of right. Rule 15a also provide that courts, 'should freely give leave [to amend] when justice so requires.'" *Kroshnvi v. U.S. Pack Courier Servs. Inc.*, 771 F.3d 93, 109 (2d Cir. 2014)(quoting Fed. R. Civ. P. 15(a)(2)). Justice so requires absent factors, "such as undue delay, bad faith or dilatory motive on the part of the movant...undue prejudice to the opposing party by virtue of allowance of the amendment, [or] futility of the amendment, etc.," which are wholly absent here. *Forman v. Davis*, 371 U.S. 178, 182 (1962).

As indicated above, the parties have conferred the parties have conferred and agreed regarding a schedule set forth below.

- a. Plaintiff will amend her complaint by May 17, 2024.
- b. Defendant shall respond to the Amended Complaint by June 6, 2024.

Thank you for your consideration in this matter.

Very truly yours,



STEWART LEE KARLIN

SLK/cb

cc: Kathleen Linnane , ACC via ECF